

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

RECEIVED  
APR 27 1998  
FCC MAIL ROOM  
FCC RM 9242

In the Matter of )  
 )  
Proposal for Creation of the Low )  
(LPFM) Broadcast Service )

To: FCC / Mass Media Bureau

**COMMENTS ON PETITION FOR RULEMAKING**

Submitted by Chris Kidd  
KIDD COMMUNICATIONS

**TABLE OF CONTENTS**

I. INTRODUCTION .....	1
II. GENERAL BACKGROUND .....	4
III. NEED FOR LPFM SERVICE .....	4
A. Background .....	
B. General Issues .....	

049

## 1. INTRODUCTION

1. The creation of new class of FM Broadcast service such as LPFM would be a disaster for the broadcast community and the general public as well. The Commission assigned many channels in the late 1980's through the 80-90 docket and FM Channels continue to be assigned through the rulemaking process. The former Class A power limit of 3000 Watts ERP was found to be inefficient and the Commission has raised that power limit to 6000 watts ERP which has resulted in a more effective use of the FM Band and the public has benefited greatly with better reception of class A FM stations. Any reduction in power levels of FM Broadcast service would be a tremendous step backwards for the commission, broadcasters and the public and therefore, this new proposed service should be denied.

2. The Telecommunications Act of 1996 has made successful operation of a stand alone FM and especially a stand alone AM more difficult. However, the creation of a new service does not help these separately owned single voices in the marketplace. In fact, the creation of a new service would only hinder the development of the few remaining stand alone voices.

3. In 1998, there is more opportunity now to purchase AM and FM Stations in small markets that were not available in the 1980's or early 1990's. The prices and terms available now (to purchase stations) do not bar a business person from entering into broadcast ownership. A business person needs \$100,000.00 to \$150,000.00 to enter into this business. A proposed licensee needs to have had earned his or her own money in their lifetime to invest in a broadcast station. Regardless of the power level this rulemaking does not create money, they must have money to do this so therefore, they should build at the power levels which are now authorized.

It is unlikely that many jobs would be created by an LPFM service. The proposed stations would most likely be operated on an unattended basis, and therefore would not create new jobs. There is an abundance of equipment manufacturers who manufacture FM transmitters in the 30 watt to 1000 watt range. There is already a competitive marketplace for the purchase of either type accepted or type notified Part 73 low power FM transmitters. Please refer to any issue of Radio World Magazine.

4. There is no equal relationship of the Low Power Television Service and the proposed LPFM service. There is only one class of television service other than Low Power and that is Full Power. A Full Power UHF broadcast station is authorized 5,000,000 watts at a height above average terrain of 2,000 feet. An LPTV station can now be authorized with a maximum ERP of 150,000 watts at any HAAT on a non-interference basis. The successful LPTV stations around the country are the ones who have invested in equipment and staff at least the level of a stand alone radio station or an AM/FM combo station. LPTV stations have clearly provided a different television service that would not have otherwise have been available. Furthermore, the entry costs for LPTV operators are still in the \$150,000.00 range and cannot be compared to this proposed makeshift service.

5. If the Commission approves LPFM service it must be locally owned and be limited to a one to a customer basis. That is one per any entity where there is any cross ownership of one percent or more. The Commission should refer to the LPTV filing window rules which worked very well in preventing more than 5 new applications during any LPTV filing window.

## II. GENERAL BACKGROUND

6. The commentator here is Chris Kidd of KIDD COMMUNICATIONS. The commentator is the licensee of AM 590 KTHO, South Lake Tahoe, California. KTHO operates with 2500 watts non-directional day and 500 watts directional night. KIDD COMMUNICATIONS has pending an application for 1400 Khz at South Lake Tahoe and a pending FM application at Truckee, California. KIDD COMMUNICATIONS has also owned and operated many LPTV stations, and have sold all of those except for two.

## III. NEED FOR LPFM SERVICE

8. The Commission currently has rules that allow individuals with a reasonable financial means to acquire a broadcast license. Therefore, there is no need to create any new service when construction permits have been reasonably obtainable by the sole proprietor type businesses. Although it is unknown how government auctions will effect this, we cannot propose to change rules which have not even been decided yet.

This proposed new service will clutter the FM band, siphon business from lone voices already in the marketplace and not create any significant new jobs at radio stations or equipment manufactures.

11. The commentator hereby agrees the small business definition is far from reality. For radio broadcasting and LPTV licenses the small business definition should be a net worth of under \$2,000,000.00 and an annual profit of under \$500,000.00.

12. This proposed LPFM service is unlikely to create any viable minority business. However, a restriction of local primary residence of 50 miles within the transmitter site would prevent abuse that occurred in the FM translator service by religious broadcasters.

13. As stated before, this broadcaster does not believe there is a barrier for entry into radio station ownership. I have lived in Sacramento, California where FM radio station prices start in the millions of dollars. In this case I would agree there is a barrier to FM station ownership in Sacramento. However, I recently heard that a 5,000 watt AM station was for sale in Sacramento for only \$1,000,000.00. Based upon this reasonably priced station in a healthy radio market there are opportunities for owner operators with a reasonable amount of money.

The petition of Roger Skinner, Jr., goes on with a burdensome amount of proposed rules and therefore this commentator will conclude his comments with a consolidation of the remaining issues.

The proposal for a new secondary FM broadcast service should be denied for reasons stated herein:

If the Commission must allow a Low Powered FM service the power levels must be restricted to those of FM translators. That is a range of 250 watts down to 10 watts depending upon the HAAT and the geographical area of the FM translator. In this case an existing FM translator could apply by letter to originate programming. Because the FM translator technical rules have worked very well since they were changed a few years ago we must not monkey around with them. Utilizing FM translator rules and allowing origination is the only avenue the Commission should pursue if they expect to remain in control of FM broadcasting whatsoever.

This broadcaster must restate positions of existing AM and FM stations. AM 590 KTHO broadcasts a daily public affairs program called "Life at the Lake". This program was created for nonprofit entities to talk about activities and issues that affect life at Lake Tahoe. This program is not broadcast early Sunday morning or late Sunday night it is broadcast during prime time for one half hour beginning at 12:30pm daily. The petitioner talks about community needs and it must be clearly stated that many stations around the country like KTHO are serving the community needs with this type and other types of public affairs programming and this new proposed service will not magically provide public service that does not already exist. Therefore, before any FM frequencies are given up for new service the Commissions must allow FM translators for AM stations which significantly lower their power at night.

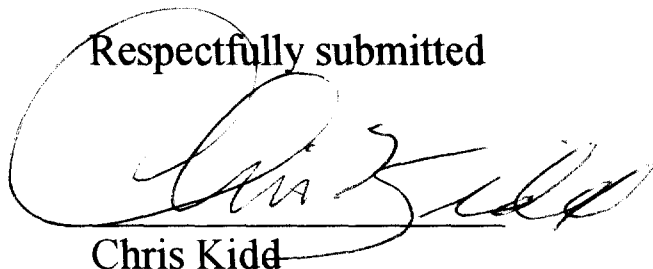
During the daytime KTHO has a significant listening audience in areas such as Placer County (East), Douglas County (East), Carson City County, and Washoe County (West). All these areas are lost when KTHO lowers power to 500 watts at night. KTHO is heavily involved in the communities in Placer County (East) as we are listed on road signs installed by Placer County as one of the stations to tune to for emergency information. Unfortunately, after 4:45 PM in the wintertime the KTHO signals deteriorates significantly in Placer County. This commentator believes that there are several hundred AM stations around the country which are in a similar position.\* In order to preserve the AM service we must find ways to maintain viability for AM stations, maintaining 24 hour service through the use of FM translators for AM stations is one of the best ways to do so. AM stations are making the investment in technical facilities and the maintenance of equipment and they are providing the staff support. FM translators for AM stations will expand the public service they now provide and help maintain that service in the future. Therefore, AM stations must receive a priority in the assignment of FM translator construction permits that fill-in their daytime service contours which are lost at night.

KIDD COMMUNICATIONS proposes that the Commission allow AM stations that must lower power at night to broadcast on FM translator frequencies full-time. All the rules for power vs. height must apply. The 250 watt fill-in service which is not subject to the height restriction must also apply (Per Part 74.1235 a & b, plus 1 & 2). The restriction to be determined is which milivolt contour shall apply. Should it be the protected .5 milivolt contour, a 1.0 milivolt contour as with FM or the 2.0 milivolt contour? Whichever contour is selected it must be the daytime contour as the purpose of FM translators for AM stations is to recover service area which is lost at night.

The FM translator action request by this broadcaster can be quickly and easily implemented without any technical rule changes on the FM translator broadcast side. The only rule change is to allow the rebroadcast of AM stations. The only technical question is of the three contours should be considered the equivalent of the 1.0 milivolt contour of FM. The broadcaster proposes that only AM stations that must lower power at night (including daytime stations) be allowed to utilize FM translators. There is a legal question and a question of fairness. The justification which this broadcaster sees is that a 50,000 watt AM station increases audience at night even if it goes directional. A 5,000 watt non-directional station such as 610 KFRC, San Francisco maintains and increases audience at night and therefore an FM translator for stations described above is not needed because they do not lower power or lose significant coverage at night. The same applies for the old class IV stations operate with the same power day and night of 1,000 watts or less. They lose some coverage at night, however they do not lose the vast coverage of 2500 watts vs. 500 watts, 5,000 watts vs. 1,000 watts and 5,000 watts vs. 500 watts.

\*This broadcaster hereby requests that the NAB utilize their resources to determine how many AM stations must cut power at night and to file that total number with the Commission in reply comments to this proceeding.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Chris Kidd", is written over a horizontal line. The signature is fluid and cursive.

Chris Kidd

Please direct all reply comments to:

Mr. Chris Kidd  
KIDD COMMUNICATIONS  
Post Office Box 590  
South Lake Tahoe, CA 96156  
(702) 588-5259  
(530) 542-5800